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AN ACT to amend Tennessee Code Annotated, Title 55, Chapter 10, Part 4, relative to service of sentence for the offense of driving under the influence of an intoxicant.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 55-10-403, is amended by deleting the following language from the first sentence of subsection (a)(1):

;provided, that if such conviction is for forty-eight (48) hours it shall be served at a time when the person is off from work and when such confinement will not interfere with the person's regular employment

SECTION 2. Tennessee Code Annotated, Section 55-10-403, is amended by adding the following new subsection (p):

(p)(1) An offender sentenced to a period of incarceration for a violation of Tennessee Code Annotated, 55-10-401, shall be required to commence service of such sentence immediately upon conviction or, if space is not immediately available in the appropriate municipal or county jail or workhouse, as soon as such space is available. If in the opinion of the sheriff or chief administrative officer of a local jail or workhouse, space will not be available to allow an offender convicted of a violation of Tennessee Code Annotated, 55-10-401, to commence service of such sentence within ninety (90) days of conviction, such sheriff or administrative officer shall use alternative facilities for the incarceration of such offender. If an offender convicted of a violation of Tennessee Code Annotated,

55-10-401, prior to the effective date of this act has not commenced service of the sentence imposed within ninety (90) days such offender's conviction, the sheriff or administrative officer shall, after notifying the offender, use alternative facilities for the incarceration of such offender.

(2) As used in this subsection "alternative facilities" include, but are not limited to, vacant schools or office buildings or any other building or structure owned, controlled or used by the appropriate governmental entity that would be suitable for housing such offenders for short periods of time on an as-needed basis. A governmental entity may contract with another governmental entity or private corporation or person for the use of alternative facilities when needed and governmental entities may, by agreement, share use of alternative facilities.

(3) Nothing in this subsection shall be construed to give an offender a right to serve a sentence for a violation of Tennessee Code Annotated, Section 55-10-401, in an alternative facility or within a specified period of time. Failure of a sheriff or chief administrative officer of a jail to require an offender to serve such a sentence within a certain period of time or in a certain facility or type of facility shall have no effect upon the validity of the sentence.

SECTION 3. This act shall take effect on July 1, 1995, the public welfare requiring it and shall apply to the service of all sentences pronounced on or after such date.

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